

New broadband access technologies such as Broadband over Power Line should be promoted. The industry lacks competition and consumers are suffering. However, BPL has been shown to cause harmful interference. While BPL should be developed further, and implemented, the Commission should not allow it to become a threat to public safety, national security, and the common spectrum user.

The American Radio Relay League is reporting noticeable interference from BPL systems currently being tested. Some excuse this interference as not being harmful as defined by Commission regulations. However, any interference introduces an extra noise floor in addition to that of the receiver. Inevitably, this will prevent reception of weak signals, or otherwise degrade demodulated signal quality. This interference is in fact harmful, as it is preventing licensed radio communication. The Commission should take no action which will legalize such interference.

The NPRM addresses interference concerns, but many of my colleagues and I feel that the proposed regulations will be inadequate. We are concerned that electric utilities will not respond quickly and sufficiently upon receiving notice of harmful interference. Should a BPL system be found to be causing interference to a public safety radio system, the utility must address this immediately. The utility must act within seconds, not days. The Commission must provide for substantial penalties to be assessed to any utility which does not mitigate harmful interference within a reasonable amount of time after notification of such interference. This must be enforced strictly, and the Commission's regulations must provide for this enforcement. The operation of a public safety radio system is critical. The Commission cannot allow such a system to remain at a less-than-operational status while its Enforcement Bureau processes and investigates a complaint.

Still, other BPL issues remain unresolved. Among them, the government must prohibit an electric utility's regulated business from subsidizing its BPL business. It will be argued that this is too strict, but it is only fair. The Commission must determine if it should act on this issue, or if it should leave it to another regulatory body.

All broadband Internet access should be promoted. The Commission should take reasonable actions to promote BPL, as well as any other access systems which may be developed in the future. However, BPL has been shown to cause harmful interference. The Commission should not modify 47 CFR 15 in any way which will allow such interference, which would be the result of adopting this NPRM. I ask the Commission to take regulatory action to promote BPL if necessary, but to be absolutely sure that such action will not cause interference to licensed services, and that any violators will be strictly penalized. Further, I ask that the Commission NOT ADOPT this NPRM, as such adoption would violate my former request.